IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21607 of 2004

Between:

B. Sriram, S/o Subba Rao, Hindu,
Satavahana College, Seetarampuram, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Commissioner and Director of Collegiate Education,

Andhra Pradesh, Hyderabad.
2 The Correspondent, Satavahana College,

Seetarampuram, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the nature of Writ of mandamus directing the Respondents herein to absorb the petitioner in aided vacant lecturer post in the Department of Mathematics in Satavahana College, Vijayawada, by declaring the action of the 1st respondent in not disposing of the proposal dated 21-6-2004 of the 2nd Respondent is illegal, arbitrary, and void.

Counsel for the Petitioner:MR.GADEVENKATESWARA RAO

Counsel for the Respondent No.1: GP FOR EDUCATION

The Court made the following :

ORDER:

The present Writ Petition is filed to issue Writ of Mandamus directing the respondent to absorb the petitioner in aided Lecturer post in Mathematics Department in Satavahana College,Vijayawada, by declaring the action of the respondents in not disposing of the proposal dated 21-6-2004 of the second respondent as illegal and incorrect.

The learned counsel for the petitioner contended that as per G.O.Ms.No.78 dated 15-3-1996 when a person is unaided post, he is eligible for absorption in aided post and that an aided post in mathematics Department is vacant and that the petitioner is fully qualified to be appointed in the said post. Therefore, it is necessary to consider the case of the petitioner by respondents in accordance with law.

The learned Government Pleader for Education opposed the same on the ground that it is not fit a case as there is no such aided post and if any post is vacant, his case has to be considered in accordance with the Rules.

The contention of the petitioner is that he is working as Lecturer in the second respondent college in mathematics department in unaided post from 7-10-1999 and thereafter, it seems the second respondent addressed a letter to the first respondent

dated 21-6-2004 requesting him to absorb the present writ petitioner in the aided post which is available in the college, but the first respondent has not passed any appropriate orders on the letter submitted by the second respondent and appropriate decision has to be taken by the first respondent as per the Rules. Therefore, on the request of the counsel for the petitioner, the writ petition is taken up for disposal. A direction is given to the first respondent to pass appropriate orders on the proposals of the second respondent dated 21-6-2004 in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

KCB,J

25-11-2004.

Stp

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of Collegiate Education,

Andhra Pradesh, Hyderabad.

2 The Correspondent, Satavahana College,

Seetarampuram, Vijayawada.

3 Two CCs to G.P. for Education, High Court of

A.P., Hyderabad (OUT)

4 2CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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